

**SECOND AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 27 2001
Returned to applicant for correction JUN 29 2001
Corrected application filed SEP 27 2001
Map filed SEP 27 2001

The applicant **Philip William & Maureen Ann Benjamin, Trustees of the Philip & Maureen Benjamin Family Trust, Dated Feb 22, 1990** hereby make application for permission to change the **Point of Diversion & Place of Use of a Portion of** of water heretofore appropriated under **Permit #28861, Certificate #9283**

1. The source of water is **Underground well**
2. The amount of water to be changed **11.3 acre feet**
3. The water to be used for **Irrigation & Domestic Use**
4. The water heretofore permitted for **Irrigation & Domestic Use**
5. The water is to be diverted at the following point **S 0°47'25" E 1294' from the NW corner Tract 45, Section 9, T.16S. R.56E. MDB&M & being within the SW¼, of Tract 45.**
6. The existing permitted point of diversion is located within **Tract 45, Section 9, T.16S. R.56E MDB&M. S 02°03'30" E 1055' from the NW. corner Tract 45, Section 9, T.16S. R56E MDB&M**
7. Proposed place of use **a portion of the SW¼, Tract 45 & a portion of the NW¼, Tract 48-A., Section 9, T.16S R.56E. MDB&M. 2.26 acres**
8. Existing place of use **1.81 acres within the NW¼, Tract 45 & 0.45 acres within the SW¼, Tract 45, of Section 9, T.16S. R.56E. MDB&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **well to PVC pipe to sprinklers & drip system**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **existing well, 200' deep 8" cased well-drilled Oct. 23, 1946**
14. Estimated time required to complete the application of water to beneficial use **2 years**
15. Remarks: **3.5 acre-feet remains in well under Permit #28861**

By **Scott P. Woolsey**
s/Scott P. Woolsey
159 N. 1210 W.
St. George, UT. 84770

Compared cmf/ cam ds/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 28861, Certificate 9283, is issued subject to the terms and conditions imposed in said Permit 28861, Certificate 9283, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Permit 67458 is for the irrigation of 2.26 acres within the described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0912 cubic feet per second, but not to exceed 11.3 acre-feet annually, and not to exceed an annual duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 27, 2003

Proof of completion of work shall be filed before:

April 27, 2003

Water must be placed to beneficial use on or before:

March 27, 2005

Proof of the application of water to beneficial use shall be filed on or before:

April 27, 2005

Map in support of proof of beneficial use shall be filed on or before:

April 27, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 27th day of March A.D. 2002

Hugh Ricci, P.E.

State Engineer

Completion of work filed

APR 13 2005

Proof of beneficial use filed

Cultural map filed

Certificate No.

Issued

PORTION
WITHDRAWN BY APPLICANT

JUN 23 2003

Hugh Ricci, P.E.

STATE ENGINEER

